

**OPINION**  
**66-49**

August 22, 1966            (OPINION)

Mr. Eugene Kruger

State's Attorney

Cass County

RE: Counties - Office Buildings - Location

This opinion is in response to your request dated August 18, 1966.

Your letter states that the Cass County Commission is considering the construction of a county office building to be located outside the Cass County Seat, Fargo, North Dakota. This new office building is to house the offices of the county engineer, county nurse, and the county extension agent, but it is not anticipated that any elected official will be located in this building. Your letter also states that you are mindful of section 11-10-20 of the North Dakota Century Code, which requires the county board of commissioners to provide office space within the county seat for certain enumerated elected public officials as well as any other officer who has charge of public records. The question you pose then is whether or not the offices of county engineer, county nurse, and county extension agent are included within that portion of section 11-10-20 of the North Dakota Century Code, which requires office space within the county seat for those nonelected officers who are in charge of public records.

North Dakota statutes provide that except as otherwise specifically provided by law, all records of public or governmental bodies, boards, bureaus, commissions or agencies of the state or any political subdivision for the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be public records, open and accessible for inspection during reasonable office hours, North Dakota Century Code section 44-04-18. This broad definition of public records it would make it seem that a great number of nonelected county employees keep public records.

It is our opinion that the county engineer, county nurse, and county extension agent are officers who have charge of public records. Therefore the county engineer, county nurse, and county extension agent must be provided office space within the county seat as provided in section 11-10-20 of the North Dakota Century Code.

HELGI JOHANNESON

Attorney General